

\$400

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

**FILED**

NOV 21 2016

LUCY V. CHIN, Interim Clerk  
By *[Signature]* Dep. Clerk

**BARBARA J. ANDRADE  
67 Geneva St.  
Pawtucket, RI 02860**

**CIVIL ACTION NO.**

16 6114

v.

**SEAWORLD ENTERTAINMENT, INC.  
100 SESAME PLACE  
LANGHORNE, PA 19047**

**12 PERSON  
JURY TRIAL DEMANDED**

**CIVIL ACTION COMPLAINT**

1. Plaintiff, Barbara J. Andrade , is an adult individual residing at 67 Geneva Street, Pawtucket, RI 02860.

2. Defendant, SeaWorld Entertainment, Inc. is authorized and duly licensed to do business in the Commonwealth of Pennsylvania, having an office and principal place of business located at 100 Sesame Place, Langhorne, PA 19047.

3. For more than 50 years, SeaWorld Entertainment, Inc. has been a leading theme park and entertainment company.

4. At all times material hereto, the Defendant, SeaWorld Entertainment, Inc., was in the business of operating the amusement park known as Sesame Place and it's restaurants located at 100 Sesame Place, Langhorne, Pennsylvania 19047.

5.. At all times material hereto, the Defendant owned, operated, possessed, managed, maintained and/or controlled a restaurant establishment called Cookie's Café in Sesame Place Amusement park located at 100 Sesame Place Langhorne, Pennsylvania.

6. At all times relevant hereto, Defendant, acted by and through its agents, ostensible agents, servants, workers, and/or employees who were then and there acting within the course and scope of their employment, agency and authority and/or by and through other persons, for whose acts or omissions they are responsible.

7. Jurisdiction in this matter is based upon diversity of citizenship pursuant to 28 U.S.C. §1332(a); the matter in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs. Plaintiff, Barbara J. Andrade is a citizen of the State of Rhode Island. Defendant, SeaWorld Entertainment, Inc. is a citizen of, and has it's business headquarters located in Florida and conducts regular and systematic business operations in the Commonwealth of Pennsylvania under the name of Sesame Place.

8. On or about July 8, 2016, between 7 p.m. and 8 p.m., the Plaintiff, Barbara J. Andrade, was walking on the premises of Cookie's Café when Plaintiff was caused to slip and fall due to a wet substance on the floor of the premises, as a result of which, Plaintiff was violently thrown to the ground and caused to sustain the injuries, damages and losses as more fully detailed herein.

*[Handwritten signature]*  
11-2-16

9. The floor in Cookies Café at Sesame Place was wet due to the existence of malfunctioning and/or a dripping air-conditioning unit on the ceiling of said premises, which allowed water to drip onto and pool on the floor of the premises.

10. The aforesaid dangerous condition created a reasonably foreseeable risk that Plaintiff, a business invitee, while walking would be caused to slip and fall and sustain injury and Defendant, its agents, servants and employees acting within the course and scope of their employment, agency and authority was charged with notice under the circumstances of the likelihood of a dangerous condition existing at the time of the accident with such notice available to Defendant at a time sufficiently prior to the accident to have taken measures to protect against the same.

### **FIRST COUNT**

11. Defendant was negligent, careless, and reckless in the following respects:

(a) Maintaining a dangerous condition on the premises which Defendant knew or had reason to know presented an unreasonable risk of harm to the Plaintiff;

(b) Failing to inspect the ceiling and floor said premises adequately to insure the safety of pedestrians in general and Plaintiff, a business invitee in particular;

(c) Failing to warn Plaintiff and business invitees of a dangerous condition;

(d) Failing to take appropriate and proper measures to remediate a dangerous accumulation of water that presented a slipping and fall hazard to business invitees lawfully traversing on the premises;

(e) Violation of the Statutes of the Commonwealth of Pennsylvania and local ordinances pertaining to the proper maintenance and safety of similarly situated public eating establishments;

(e) Failing to use due care under the circumstances; and

(f) Allowing a defective condition in the form of a dangerous accumulation of water to exist on the floor of the restaurant for an unreasonable amount of time.

12. By reason of the above described occurrence, Plaintiff sustained serious bodily injuries to her head, body and extremities, some or all of which are or may be permanent including, but not limited to, bruising and injury to Plaintiff's right buttock, and her tailbone, knee pain and a severe shock to Plaintiff's nerves and nervous system, as a result of which Plaintiff has suffered, still suffers and will continue to suffer for an indefinite time in the future, and which injuries and conditions have prevented Plaintiff from attending to her daily duties and occupation, all to Plaintiff's great financial damage and loss.

13. As a result of the injuries hereinabove described, Plaintiff was and will continue to be obliged to expend various sums of money for medicine and medical treatment in and about endeavoring to treat Plaintiff of said injuries, all to Plaintiff's great financial damage and loss.

**WHEREFORE**, plaintiff demands judgment against defendant in a sum in excess of Seventy Five Thousand Dollars (\$75,000.00). The amount sued upon is in excess of that requiring submission to arbitration.

**LAW OFFICES  
BERNARD M. GROSS, P.C.  
BY:**



**BERNARD M. GROSS, I.D. No. 02571**  
Two Penn Center  
1500 JFK Blvd., Suite 1820  
Philadelphia, PA 19102  
Phone: (215) 561-3600  
Fax: (215) 561-3000

***Attorney for Plaintiff***